

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

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In re:	:	PROMESA Title III
	:	
THE FINANCIAL OVERSIGHT AND	:	No. 17 BK 3283-LTS
MANAGEMENT BOARD FOR PUERTO	:	
RICO,	:	(Jointly Administered)
	:	
As representative of	:	
	:	
THE COMMONWEALTH OF PUERTO	:	
RICO, <i>et al.</i> ,	:	
	:	
Debtors. ¹	:	
	:	
	X	

**SECOND SUPPLEMENTAL DECLARATION OF ERNST & YOUNG LLP UNDER
THE PUERTO RICO RECOVERY ACCURACY IN DISCLOSURES ACT OF 2021**

I, Adam Chepenik hereby declare as follows:

1. I provide this second supplemental declaration (this “Second Supplemental Declaration”) on behalf of Ernst & Young LLP (“EY LLP”) pursuant to the Puerto Rico Recovery Accuracy in Disclosures Act of 2021, Pub. L. No. 117-82 (“PRRADA”).² This Second Supplemental Declaration is filed to address certain additional facts identified by EY LLP since

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² Capitalized terms used herein but not otherwise defined shall have the meanings set forth in the Initial Declaration.

my original declaration that was filed with this Court on May 16, 2022 (the “Initial Declaration”) [Docket No. 20834] and my first supplemental declaration that was filed with this Court on October 10, 2022 (the “First Supplemental Declaration”) [Docket No. 22564], and certain related inquiries of the Office of the United States Trustee.

2. The facts set forth in this Second Supplemental Declaration are based upon my personal knowledge and upon information and belief.

3. In Paragraph 26 of the Initial Declaration and in Paragraph 4 of the First Supplemental Declaration, I disclosed that on April 30, 2019, EY LLP entered into a tolling agreement with the Board (acting through its Special Claims Committee) and the Official Committee of Unsecured Creditors for the Debtors (other than COFINA) tolling the statutes of limitations for potential claims relating to services provided by EY LLP to the Debtors or any other Puerto Rico government entity relating to, arising out of, and/or based upon the issuance of bonds by the Debtors or any other Puerto Rico government entity. On February 3, 2023, EY LLP agreed to extend this tolling agreement through July 31, 2023. The counterparty to the agreement is now Drivetrain, LLC, in its capacity as Trustee of the Commonwealth Avoidance Actions Trust.

4. On March 13, 2023, Ernst & Young U.S. LLP (“EY US LLP”) hired Natalie Jaresko as a Managing Director in the Washington DC area. Ms. Jaresko previously served as the Executive Director for the Financial Oversight and Management Board for Puerto Rico (the “FOMB” or the “Oversight Board”) from 2017 until 2022; she stepped down from that position effective April 1, 2022.

5. As affirmed in the Declaration of Natalie Jaresko annexed hereto as **Exhibit A**, on March 21, 2023, EY LLP implemented protocols restricting Ms. Jaresko’s communications with EY professionals working on FOMB and EY Puerto Rico restructuring engagements in connection

with those engagements, and her access to information regarding those engagements. Ms. Jaresko will not have access to confidential client information relating to FOMB or Puerto Rico restructuring engagements. Both FOMB and Puerto Rico restructuring engagement team members at EY on the one hand, and Ms. Jaresko on the other hand, have been notified of these protocols to ensure EY does not and will not use any confidential information Ms. Jaresko may have gained during her tenure on the Oversight Board. EY has not used any such confidential information in the past. Ms. Jaresko was notified of the protocols on March 21, 2023, and the FOMB and Puerto Rico Restructuring engagement team members were notified of the protocols on March 21, 2023 and on April 6, 2023.

6. Ms. Jaresko will not be granted access to any hard copy or electronic files pertaining to any engagement with the FOMB or any engagement relating to the Puerto Rico restructuring. All confidential client information is compartmentalized and stored in a restricted and secure manner, including on the EY professionals' individual laptops, restricted servers that are not hosted by EY (to which only authorized engagement team members have access to for file sharing), a restricted Microsoft Teams channel accessible only after access is approved and a shared drive restricted to authorized engagement team personnel and non-client facing support personnel. Ms. Jaresko does not and will not have access to the confidential client information for FOMB or Puerto Rico restructuring engagements.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Dated: May 22, 2023

/s/ Adam Chepenik
Adam Chepenik

Exhibit A

Declaration of Natalie Jaresko